

December 9, 2022

**VIA ECF**

Honorable Sarah L. Cave  
United States Magistrate Judge  
United States District Court  
500 Pearl Street, Room 1670  
New York, New York 10007-1312

Re: *Monterey Bay Military Housing LLC, et al. v. Ambac Assurance Corporation, et al.*,  
No. 19-cv-09193 (PGG) (SLC)

Dear Judge Cave:

Pursuant to Federal Rule of Civil Procedure 5.2(d), Rule I(G)(2) of Your Honor's Individual Practices, this Court's Standing Order No. 19-mc-583, and this Court's ECF Rules & Instructions ("ECF Rules"), Defendants Ambac Assurance Corporation and Dan Ray respectfully request the Court's leave to file under seal their letter reply concerning the parties' ongoing disputes regarding Plaintiffs' claims of privilege over third-party communications and accompanying appendix and exhibit. The letter, appendix, and exhibit were filed contemporaneously with this Letter Motion in accordance with ECF Rule 6.7.

Defendants' letter cites and directly quotes several sealed docket entries. Further, the letter attaches as an exhibit a document that Plaintiffs have designated confidential pursuant to the Protective Order entered in this case. Under Paragraph 12.4 of the Protective Order, "[w]ithout written permission from the Designating Party or a court order secured after appropriate notice to all interested persons, a Party may not file in the public record . . . any Protected Material." *See* Dkt. 135 ¶ 12.4. Accordingly, Defendants have filed the letter, appendix, and exhibit under seal and available only to Selected Parties in accordance with ECF Rule 6.9. Defendants will work with Plaintiffs to obtain the required permission to file redacted versions of these documents to the extent necessary.

Respectfully Submitted,

/s/ Daniel M. Kelly  
Daniel M. Kelly  
Quinn Emanuel Urquhart & Sullivan, LLP

/s/ Amer S. Ahmed  
Amer S. Ahmed  
Gibson, Dunn & Crutcher LLP

Defendants Ambac Assurance Corporation and Dan Ray's letter-motion to file their reply letter in support of their request to compel Plaintiffs to produce discovery, and its corresponding exhibits, under seal (ECF No. 547) is GRANTED, and the documents at ECF Nos. 548 and 548-1 – 548-2 shall remain visible only to the selected parties.

The Clerk of Court is respectfully directed to close ECF No. 547.

SO ORDERED 12/12/22

  
SARAH L. CAVE  
United States Magistrate Judge